

January 2005 Unified Program Newsletter

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Department of Toxic Substances Control

Proposed Cyanide Regulations Workshop

DTSC is holding workshops to solicit input on proposed regulations that would allow for the treatment of certain cyanide-bearing wastes in the Permit-By-Rule (PBR) level of authorization. A schedule noting the dates, times and locations of these workshops can be found at:

http://www.dtsc.ca.gov/PublicNotices/HWMP_PN_CYANIDE-WS.pdf

877 Number Shutdown

Each year, at the end of May, DTSC sends out an annual business information verification request and manifest fee assessment to about 120,000 active ID Number holders. Response is compulsory. To support this activity, a help line is established to answer questions about the verification and the fees at 877-454-4012 or 916-255-4439. This help line is operated until the end of August and then shut down. At the end of October, DTSC sends a second and final notice to the non-responders. The help line is again established until the last week of November, at which time it is again shut down. The help line is now shut down for the 2004 verification cycle. If you receive calls regarding the DTSC annual verification, please refer them to 800-618-6942 or 916-255-1136, which is the DTSC automated call handling system. You may also refer callers to the DTSC web site and to the 2004 Verification FAQs. Callers to the DTSC automated call handling system are presented with information about ID Numbers, manifests, and the verification process. They are also allowed to exit to a technician if their questions can not be answered by the recorded information.

Quarterly RCRA LQG Data

Just a reminder, DTSC would like you to submit any inspection and/or enforcement data that your agency has compiled for RCRA LQG facilities in the past quarter (October 1, 2003-December 31, 2003). Please report as much of the information as possible. A form is provided (attached) for your assistance, but data is not required to be submitted in this format. If you did not do any inspections or take any enforcement at a RCRA LQG facility, please just submit a notice letting us know that you didn't have any activities to report. Questions or comments, contact Mickey Pierce at 510-540-3851 or mpierce@dtsc.ca.gov

Congratulations! DTSC wanted to share with you some congratulations on a job well done. In December, U.S. EPA shared its analysis of DTSC's efforts to meet the commitments of the RCRA Grant Workplan for Fiscal Year 2003/2004. CUPA's efforts to provide data regarding RCRA LQG inspections was noted on the front page of the report as "a nationally significant achievement" with over 1,100 CUPA inspections entered into U.S. EPA's Enforcement and Compliance History Online (ECHO) database. Thanks for your efforts and keep up the good work!

State Water Resources Control Board

ICC Exams Offered at 2005 CUPA Conference

The International Code Council (ICC) UST exams will be offered at the 2005 CUPA Conference. The exams will be available at a session scheduled from 8-10 AM on Thursday, February 10, 2005. The session will provide the opportunity for interested individuals to take one of the four ICC UST certification exams required per section 2715 of title 23, California Code of Regulations. The available certification exams are the California UST System Operator; California UST Service Technician; California UST Inspector; and UST Installation/Retrofitting. Pre-registration through the ICC is MANDATORY. The last day to register to take an exam at the CUPA Conference is January 14, 2005. To register, fax or mail the form, which is included with this update, to the ICC. For additional information on this exam, contact ICC at (800) 423-6587 x 3419.

UST Program Contact: Erin Ragazzi (eragazzi@waterboards.ca.gov; 916-341-5863)

UST Plan Check Session at 2005 CUPA Conference

Laura Chaddock and Scott Bacon will provide a 2-hour Vacuum, Pressure, Hydrostatic Plan Check training session at the 2005 CUPA Conference on Tuesday, February 8, 2005 from 6:30 - 8:30 PM. Information regarding the location of this training will be provided at the CUPA Conference.

UST Program Contacts: Laura Chaddock (lchaddock@waterboards.ca.gov; 916-341-5870) and Scott Bacon (sbacon@waterboards.ca.gov; 916-341-5873).

UST Roundtable at 2005 CUPA Conference

The UST Roundtable will be held on Monday, February 7, 2005 at the 2005 CUPA Conference. Please note that, as in the past, this is a combined roundtable meeting for all UST program staff in CUPAs, PAs, LOPs, and Regional Boards. A draft UST Roundtable agenda was e-mailed to UST regulators on December 17, 2004. A copy of the draft agenda is included with this update. As a reminder, advance registration is required. To register, please e-mail Millie Arestad at marestad@waterboards.ca.gov.

UST Program Contact: Terry Brazell (tbrazell@waterboards.ca.gov; 916-341-5645)

UST Regulatory Workshop at 2005 CUPA Conference

Laura Chaddock will provide her 8-hour UST regulatory training course at the 2005 CUPA Conference on Monday, February 7, 2005. The course is now called the UST Regulatory Workshop and is aimed at UST inspectors and UST owners/operators. The workshop is limited to 75 persons, and advanced registration is REQUIRED. To register, please e-mail Millie Arestad at marestad@waterboards.ca.gov.

UST Program Contact: Millie Arestad (marestad@waterboards.ca.gov; 916-341-5966)

Other News

Availability of Final Prioritization Document

Availability of Final Prioritization Document to be used by OEHHA to Identify Candidate Chemicals to be considered by the CIC and DARTIC for Possible Listing available at: <http://www.oehha.ca.gov>

Press Release

A press release has gone out announcing an agreement reached for the violations of clean air regulations by small off road engines. You can review the release at:

<http://www.arb.ca.gov/newsrel/nr122104.htm>

News Release - December 16, 2004 (RWQCB)

Water Pollution Case Against Sacramento Developer Settled by Regional Water Board and Department of Fish and Game

<http://www.swrcb.ca.gov/press/docs/2004/04-012.pdf>

News Release - December 16, 2004 (DTSC)

Owner of Antique Metal Finishing Charged with Toxic Dumping

http://www.dtsc.ca.gov/NewsReleases/2004/NEWS_2004_T-80-04.pdf

News Release - December 14, 2004 (DTSC)

\$68,230 Settlement Reached with San Leandro Dry Cleaning Supplier
Company Cannot Handle Hazardous Waste for Five Years

http://www.dtsc.ca.gov/HazardousWaste/SBSupply/NEWS_2004_T-79-04.pdf

News Release - December 13, 2004 (DTSC)

\$12,000 Settlement Reached with Crane's Waste Oil, Incorporated

http://www.dtsc.ca.gov/HazardousWaste/Cranes/NEWS_2004_T-78-04.pdf

News Release - November 30, 2004 (RWQCB)

Water Board Fines Mendocino County Landowners \$250,000 for Damaging Salmon Habitat

<http://www.swrcb.ca.gov/press/docs/2004/northcoast.pdf>

The Unified Program Section is interested in your comments and suggestions regarding the monthly newsletter. Please provide comments and suggestions to Anie Wilson at (916) 327-9559 or awilson@calepa.ca.gov.

[Cal/EPA Unified Program Home Page](#)

CUPA Hazardous Waste Data Entry Form

Area	Data Element No.	Data Element	CUPA Data Entry	<i>FOR STATE USE ONLY</i>				
				Area	Value			
Handler Data	2	EPA ID No.:	<div style="display: flex; justify-content: space-between;"><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div></div>	Activity Location	CA			
	3	Business Name:						
	None	Loc/Address:						
	None	City/ZIP						
	900	RCRA LQG	Yes <div style="display: flex; justify-content: space-between;"><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div></div>	No				
Inspection Data	905	Program Element	<div style="display: flex; justify-content: space-between;"><div><div>e</div><div>f</div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div>g</div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div>h</div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div>i</div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div>j</div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div>k</div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div></div>	Responsible Agency	B			
			Violation Found?					
	906	Inspection Date	<div style="display: flex; justify-content: space-between;"><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div></div>	Evaluation Owner	CA			
	907a	Routine Insp.	Yes <div style="display: flex; justify-content: space-between;"><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div></div>	No	Evaluation Type			
	907b	Other Insp.	Yes <div style="display: flex; justify-content: space-between;"><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div></div>	No				
Violation Data	906	Date Determined	<div style="display: flex; justify-content: space-between;"><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div></div>	Agency Determining Violation	B			
	910	Number Class I			Violation Responsible Agency	B		
	911	Number Class II			Return to Compliance Owner	HQ		
	912	Number Minor			Violation Owner	CA		
	917	Compliance Date	<div style="display: flex; justify-content: space-between;"><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div></div>	Area of Violation	GGR			
Enforcement Data	902	Program Element	<div style="display: flex; justify-content: space-between;"><div><div>e</div><div>f</div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div>g</div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div>h</div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div>i</div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div>j</div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div>k</div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div></div>					
	903	Inspection Date	<div style="display: flex; justify-content: space-between;"><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div></div>	Enforcement Responsible Agcy	S			
	914	Enforcement Type	a <div style="display: flex; justify-content: space-between;"><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div></div>	b	c	d	Enforcement Type Owner	CA
	915	Enforcement Date	<div style="display: flex; justify-content: space-between;"><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div></div>					
	916	Type Formal Enf.	Adm. <div style="display: flex; justify-content: space-between;"><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div></div>	Civil	Crim.			
	918	Docket Number						
Penalty Data	919	Assessed			Penalty Type			
	920	Collected (All)			Penalty Owner	HQ		
	921	Date Collected	<div style="display: flex; justify-content: space-between;"><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div></div>					
CUPA Data	None	CUPA Name						
	None	Contact Name						
	None	Contact Number						
	None	Action by PA?	Yes <div style="display: flex; justify-content: space-between;"><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div></div>	No				
	None	PA Name						

NOTE: ALL dates must be in YYYYMMDD format.

Comments:

Instructions on Reverse

THIS FORM IS OPTIONAL AND CUPAS ARE NOT REQUIRED TO USE IT TO SUBMIT DATA

Complete information in “CUPA Data Entry Column” only. Data requested is that from Title 27, California Code of Regulations, section 15620, Appendix C, with the exception of “CUPA Data” and Loc(ation)/Address and City/ZIP fields. The former identifies the CUPA submitting the data, and the latter is optional for CUPAs to use. The latter will not be used for data entry purposes as the state and federal data systems both will revert to the default business name and address associated with the EPA ID number on file. The “Data Element No.” column gives the number of the element as identified in Appendix C.

Please Note: *All dates must be entered in YYYYMMDD format.*

Program Element Codes (elements 902 and 905):

- e – Hazardous Waste Generator
- f – Hazardous Waste Large Quantity Generator (LQG) (subset of Hazardous Waste Generator)
- g – Hazardous Waste Recycler
- h – Permit by Rule (PBR)
- i – Conditionally Authorized (CA) (only available if PBR is not used)
- j – Conditionally Exempt (CE) (only available if PBR and CA are not used)
- k – Household Hazardous Waste (HHW)

Enforcement Type Codes (element 914):

- a – Informal action
- b – Referral to state agency
- c – Formal order
- d – Referral to Attorney General or District Attorney

For assistance on using or completing this form please call your DTSC CUPA Liaison.

Data Dictionary Elements to be Reported

Activity	ID	Element	Information Description
INSPECTIONS	2	EPA ID Number	EPA identification number for businesses that generate, recycle, or treat hazardous waste. For facilities in California, the number should start with the letters CA. If the handler is regulated under Federal RCRA requirements, this ID must be the U.S. EPA identification number.
	3	Business Name	Full legal name of business.
	900	RCRA Large Quantity Generator (LQG) of Hazardous Waste	Indicates if facility generates 1000 kg of RCRA hazardous waste in a calendar month. Identification is based on the business notification of LQG activity to U.S. EPA. If the designation is incorrect, the CUPA cannot change the designation unless the business notifies U.S. EPA.
	905	Program Element	Program element inspected. Enter one program element only. For example, a facility inspected for compliance with UST, hazardous waste and hazardous materials storage regulations would have three records, one for each program element. Each record would have a unique set of violations, even though all inspections took place on the same date. For Tiered Permitting options enter the highest tier.
	906	Inspection Date	Date of completion of inspection
	907a	Inspection Type = Routine Inspection	Indicates if inspection is routine. A routine inspection is a regularly scheduled inspection to evaluate compliance. Does not include follow-up inspections.
	907b	Inspection Type = Other	Indicates if inspection is not a routine inspection. Other inspections include complaint investigations, closure, release investigations, tank installation and/or removal oversight, tank cleaning, and follow-up enforcement inspections, or other inspections that may be in addition to a regularly scheduled inspection. This includes verification inspections for owners/operators of aboveground storage tanks having to prepare a spill prevention control and countermeasure plan. It does not include regularly scheduled inspections, field or site visits whose principle purpose is informational or educational, pollution prevention education, or visits needed to verify administrative information or orient new owners or operators. A complaint inspection is a service request originating from any outside party, including the public, that initiates a site visit outside of the routine inspection cycle.
	910	Number of Class I Violations	For hazardous waste generators, number of Class I violations. A Class I violation means a deviation that represents a significant threat to human health or safety or the environment because of the volume of the waste, the relative hazardousness of the waste, or the proximity of the population at risk. The deviation must be significant enough that it could result in releases of hazardous waste or constituents to the environment, hazardous waste failing to be delivered to an authorized hazardous waste facility, failure to detect releases of hazardous waste or constituents, inadequate financial resources in the case of releases of hazardous waste or constituents, or inadequate financial resources to pay for facility closure, perform emergency cleanup operations or other corrective actions. A Class I violation is also a deviation that is a chronic violation or committed by a recalcitrant violator. A Class I violation is typically one that is referred to the District Attorney or City Attorney for formal enforcement action. Sanctions are typically imposed for failure to correct the violation. Class I violations are defined in the Health and Safety Code (HSC) section 25110.8.5
	911	Number of Class II Violations	For hazardous waste generators, number of Class II violations. A Class II violation means a deviation that is not a Class I violation. This count includes violations which would be considered minor, but are knowing, willful, or intentional, or enable the violator to benefit economically from noncompliance, either by reduced costs or competitive advantage. Do not include minor violations in this count. Class II violations are defined in 22 California Code of Regulations (CCR) 66260.10.
	912	Number of Class Minor Violations	For hazardous waste generators, number of minor violations. A minor violation means a deviation from any regulation, standard, requirement, or permit condition, that is not a Class I violation. Exclude from this count all violations where the violation is knowing, willful, or intentional, or enables the violator to benefit economically from noncompliance, either by reduced costs or competitive advantage. These are counted as Class II violations. Also exclude any violation that is a chronic violation or that is committed by a recalcitrant violator, since these are counted as Class I violations. A minor violation is defined in HSC 25117.6.

Data Dictionary Elements to be Reported

ENFORCEMENT	902	Program Element	Program element inspected. Enter one program element only. For example, a facility inspected for compliance with UST, hazardous waste and hazardous materials storage regulations would have three records, one for each program element. Each record would have a unique set of violations, even though all inspections took place on the same date. For Tiered Permitting options enter the highest tier.
	903	Inspection Date	Date of completion of inspection
	914	Type of Enforcement Action	Type of enforcement action. Informal actions are actions that are not formal actions. An informal enforcement action notifies the business of non-compliance and establishes a date by which the non-compliance is to be corrected. Informal actions are made by a written document including, but not limited to, a letter or notice of violation. Informal actions do not convey sanctions. A formal order is an enforceable order or agreement which mandates compliance. Examples include administrative orders and referrals for civil and/or criminal actions. Sanctions are imposed for failure to comply. If more than one enforcement action is taken, the type and date of each actions should be recorded.
	915	Date of Enforcement Action	Date the enforcement action is taken. The date of enforcement action is the date the order is sent to the business, a final referral is made to the Attorney General, District Attorney or County Attorney, the complaint is filed with the court, or the date the administrative order is issued. If more than one enforcement action is taken, the type and date of each action should be recorded.
	916	Type of Formal Enforcement Action	Type of formal enforcement action.
	917	Date Returned to Compliance	Date physical compliance was determined by the CUPA for all violations identified during the inspection. This may not be based on a site visit, but is the date compliance was verified. It may be based on correspondence received from the regulated business.
	918	Docket Number	Number assigned by the court for civil and criminal actions.
	919	Final Fine or Penalty Assessed	Dollar amount of fine or penalty assessed. This is the final monetary penalty or fine assessed via court or administrative order, or the amount agreed upon in a formal legal settlement. It is based on the value of fines/penalties excluding costs. Round to nearest whole number. Do not use decimal places. Note the fine or penalty is by program element for each enforcement action at each facility, when available.
	920	Fine or Penalty Collected	Dollar amount of final fine or penalty actually collected by the CUPA. Round to nearest whole number. Do not use decimal places.
	921	Date Fine or Penalty Collected	Date when the final fine or penalty was completely collected.